

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re:

TRACY KROWEL

Debtor

Case No. 17-40948

Chapter 13

**OPPOSITION OF SANTO ARCURI TO
EMERGENCY MOTION TO CANCEL HEARING**

Santo Arcuri (“Arcuri”) hereby submits this Opposition to the Emergency Motion to Cancel Hearing on Motion of Santo Arcuri for Relief From Stay and to Dismiss Case for Failure of Arcuri to Comply with May 24, 2017 Order of Court, and for Related Relief. In support of this Opposition, Arcuri states as follows:

1. Although the Certificate of Service of Notice of Hearing was filed late, all parties in the case received notice of the entry of the Notice of Hearing entered by the Court on May 24, 2017, through the Court’s ECF system, including the Debtor. The Debtor accordingly had notice of the motion and the hearing and was not prejudiced.

2. The issues set forth in the Motion for Relief are not complex. Arcuri is the owner of the property in which the Debtor is living as a tenant at the sufferance, and the Debtor is the subject of a judgment for possession in Arcuri’s favor issued by the Worcester Housing Court. The property is accordingly not property of the Debtor’s bankruptcy estate.

3. Nevertheless, Arcuri would be willing to extend the time for objection to the Motion for Relief until the scheduled hearing.

WHEREFORE, Santo Arcuri respectfully requests that this Court enter an order (i) denying the Motion to Cancel Hearing; and (ii) granting such other and further relief as may be just and proper.

Respectfully submitted,

SANTO ARCURI,

By its attorney,

/s/ Evans J. Carter

Evans J. Carter, Esq. (BBO #076560)

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Dated: June 19, 2017
Framingham, Massachusetts

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re:

TRACY KROWEL

Debtor.

Case No. 15-41826

Chapter 13

Certificate of Service

I, Evans J. Carter, certify that, immediately upon receipt of the notice of electronic service, I will serve a copy of the Motion of Santo Arcuri for Relief from the Automatic Stay and/or to Dismiss Case by first class mail, postage prepaid to any of the parties on the attached service list not noted as having received electronic service on the Notice of Electronic Filing.

/s/ Evans J. Carter

Evans J. Carter

Service List

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